

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOMENICO DE SOLE, et al., :

Plaintiffs, : 12 Civ. 2313 (PGG) (HBP)

-against- :

KNOEDLER GALLERY, LLC, d/b/a :
"Knoedler & Company," et al., :

Defendants. :

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JOHN D. HOWARD, individually :
and as assignee of Jaime :
Frankfurt, LLC, :

Plaintiff, :

12 Civ. 5263 (PGG) (HBP)

-against- :

ORDER

GLAFIRA ROSALES, et al., :

Defendants. :

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PITMAN, United States Magistrate Judge:

I write to clarify paragraph 2 of the Order I issued in these matters on June 18, 2013.

As a result of the conference call yesterday, I have reviewed the recording of the conference held in this matter on June 18, 2013. On the recording, defendants' counsel clearly and repeatedly states that the samples and reference spectra that

defendants seek to have identified are the samples and reference spectra that Orion relied upon to support its conclusions.

Defendants' counsel did not seek identification of any other samples or reference spectra. If, for example, Orion generated a spectrum from a sample, and chose not to rely on or use that spectrum, for whatever reason, defendants sought no information concerning that sample or any reference spectrum to which Orion compared it.

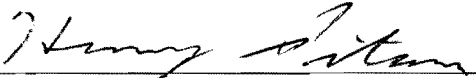
Accordingly, paragraph 2 of my June 18, 2013 Order is amended to read as follows:

2. No later than June 26, 2013, plaintiffs shall identify the specific samples that Orion tested and relied upon to support the conclusions in its expert report and shall identify the reference spectrum or spectra Orion matched to the spectrum generated by the sample. The foregoing sentence applies to all samples Orion tested by FTIR or Raman analysis in connection with its report and is not limited the testing of paint pigments. No information need be provided concerning any samples that may have been tested by Orion if Orion is not relying on those tests to support its conclusions. Similarly, plaintiffs need not identify any reference spectra that Orion concluded did not match

the spectrum generated by a sample. Defendants are free to explore at a deposition whether Orion conducted any FTIR or Raman tests that did not support its conclusions or on which it is not relying.

Dated: New York, New York
June 26, 2013

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

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